

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Aquila, Inc., d/b/a)	
Aquila Networks – MPS and Aquila Networks – L&P)	
for Authority to Transfer Operational Control of Certain)	<u>Case No. EO-2008-0046</u>
Transmission Assets to the Midwest Independent)	
Transmission System Operator, Inc.)	

ORDER DIRECTING PARTIES TO RESPOND

Issue Date: January 9, 2008

Effective Date: January 9, 2008

On October 2, 2007, the Missouri Public Service Commission issued an Order Adopting Procedural Schedule in this case. Under the approved procedural schedule, all parties filed their rebuttal testimony in this case on or before November 30, 2007. On December 28, 2007, the Midwest Independent Transmission System Operator, Inc., (“MISO”) filed the supplemental rebuttal testimony of Johannes P. Pfeifenberger and a motion to accept that testimony.

On January 7, 2008, Dogwood Energy, LLC, and the Commission’s Staff each timely filed responses to MISO’s motion. Dogwood and Staff argue that allowing MISO to file supplemental rebuttal testimony almost a month after rebuttal testimony was due, just twenty-one days before surrebuttal testimony is due, and barely two months before the evidentiary hearing is scheduled to begin denies them a reasonable opportunity to respond to that supplemental testimony and to prepare for the evidentiary hearing.

Dogwood and Staff both indicate they would not object to MISO’s supplemental rebuttal testimony if the current procedural schedule was modified so as to allow them

sufficient time to respond to that testimony and prepare for hearing. In its response Staff proposed a modified procedural schedule. Because the deadline for filing surrebuttal testimony is rapidly approaching, the Commission shall direct the parties to promptly indicate whether or not they agree with Staff's proposed modification to the procedural current schedule.

IT IS ORDERED THAT:

1. On or before January 11, 2008, each party shall file a pleading indicating whether or not they support the proposed modifications to the currently approved procedural schedule contained in the January 7, 2008 Staff Response to MISO's Motion for Leave to File Supplemental Rebuttal Testimony and Staff Motion to Modify Procedural Schedule.
2. Failure to file a position as directed in ordered paragraph 1, shall be considered acquiesce with the proposed modifications to the current procedural schedule.
3. This order shall become effective on January 9, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,
by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 9th day of January, 2008.